

**MINUTES OF THE REGULAR MEETING  
OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON APRIL 4,  
2022 AT 26 ROCKLEIGH ROAD, ROCKLEIGH, NJ AT 7:30 PM**

Mayor Robert Schaffer called the meeting to order at 7:32 pm and led the flag salute.

**OPENING STATEMENT:** Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, *The Star Ledger*, and that notice of same was also posted on the Borough Hall bulletin board and Website as required.

The Borough Clerk called the Roll Call of the Mayor and Council:

**Present:** Mayor Schaffer, Councilwoman Antine, Councilman Cumiskey, Councilman Mender, Councilman Hansen and Councilman Pontone.

**Also Present:** Robert T. Regan, Esq., Borough Attorney, Marcella Giampiccolo, Borough Clerk, William J. McGuire, Borough Administrator (portion of meeting) and Kunjesh Trivedi, CFO/Tax Collector

**Absent:** Councilwoman Bresnak.

**MINUTE APPROVAL:**

Minutes of the Regular Session meeting held on March 7, 2022 were presented for approval. No discussion took place. Motion offered by Councilman Mender, seconded by Councilwoman Antine to approve the March 7, 2022 meeting minutes. All Councilmembers present voted in the affirmative. The Motion passed.

Minutes of the Special meeting held on March 7, 2022 were presented for approval. No discussion took place. Motion offered by Councilwoman Antine, seconded by Councilman Pontone to approve the March 7, 2022 Special meeting minutes. All Councilmembers present voted in the affirmative. The Motion passed.

**COMMITTEE REPORTS:** Brief discussion took place regarding the scheduling of the annual town spring cleanup and chipping. Mayor Schaffer stated the spring clean-up is held during springtime but typically in May. Discussion ended.

The Borough Clerk reminded the Governing Body that April 30, 2022 is the deadline to file the 2022 Financial Disclosure Forms on-line to avoid a monetary penalty. Discussion ended.

Mayor Schaffer noted that going forward, unless a quorum of Councilmembers were not present for an in-person meeting, phone participation would not be permitted. The Councilmembers present were in agreement. Discussion ended.

**OLD BUSINESS:** None.

**NEW BUSINESS:** The Borough of Rockleigh Calendar Year 2022 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank (Ordinance 2022-3) was presented as follows:

**BOROUGH OF ROCKLEIGH  
CALENDAR YEAR 2022  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Rockleigh in the County of Bergen finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$7,197 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Rockleigh shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$7,197, and that the CY 2022 municipal budget for the Borough of Rockleigh be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced by: \_\_\_\_\_

Approved: \_\_\_\_\_

Seconded by:

ATTEST:

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

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Brief discussion took place regarding the need to have such a CAP bank and a brief explanation was offered among the Councilmembers present. Discussion ended. Motion offered by Councilman Pontone, seconded by Councilwoman Antine to approve Ordinance 2022-3 as presented. The Roll Call vote was recorded as follows:

AYES: Antine, Cumiskey, Hansen, Mender, Pontone

NAYS: None

ABSENT: Bresnak,

ABSTAIN: None

The Motion passed.

Resolution 2022-30 was presented for consideration as follows:

**BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 2022-30**

**Re: Introduction of 2022 Budget**

**BE IT RESOLVED**, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Rockleigh, Bergen County, New Jersey for the year 2022.

**BE IT FURTHER RESOLVED**, that the said budget be published in The Record in the issue of April 11, 2022, and that a hearing on the Budget will be held at the Municipal Building on May 2, 2022 at 7:30 o'clock (P.M.) or as soon thereafter as the matter may be reached.

Introduced by:

Seconded by:

ATTEST

Approved: April 4, 2022

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

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Motion offered by Councilman Pontone, seconded by Councilwoman Antine to approve the Introduction of the Budget for 2022. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Antine, Cumiskey, Hansen, Mender, Pontone

NAYS: None

ABSENT: Bresnak

ABSTAIN: None

The Motion passed.

Ordinance 2022-4 was presented for its First Reading and Introduction as follows:

**BOROUGH OF ROCKLEIGH  
ORDINANCE 2022-4**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.**

Chapter 30 of the Code of the Borough of Rockleigh, Land Use Procedures, Borough of Rockleigh Land Use Application, page 4 (30 Attachment 1:4); page 6 (30 Attachment 1:6); and page 28 (30 Attachment 1:28) be and are hereby removed and replaced by the following pages:

(pages not inserted into Minutes due to volume of pages)

**SECTION 5. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**SECTION 6. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 7. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

\_\_\_\_\_  
**ROBERT R. SCHAFFER, Mayor**

\_\_\_\_\_  
**MARCELLA GIAMPICCOLO,  
Borough Clerk**

**Introduced:**

**Adopted:**

**Approved:**

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Discussion took place regarding the clarification of changes made to this ordinance. Mr. Regan explained a summary of Ordinance 2022-4 as being minor changes to the application forms for a residential land use application, a non-residential land use application, a subdivision application, and a sign application. The sole change in each application form is to clarify that the hearings are held on the published dates and times or as otherwise shown on the Planning Board calendar. The Council requested red-lined versions of future ordinance changes of the Planning Board. No further discussion took place.

Motion offered by Councilman Hansen, seconded Councilman Pontone to approve Ordinance 2022-4 as presented. Mr. Regan noted a summary of this ordinance will be published in lieu of the volume of pages presented. No other discussion took place. The Roll Call vote was recorded as follows:

AYES: Antine, Cumiskey, Hansen, Mender, Pontone  
NAYS: None  
ABSENT: Bresnak  
ABSTAIN: None  
The Motion passed.

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Resolution 2022-31 was presented for consideration as follows:

**BOROUGH OF ROCKLEIGH  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

Resolution **2022-31**

**Re:** RESOLUTION AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH THE BOROUGH OF NORTHVALE FOR THE PROVIDING OF PUBLIC WORKS SERVICES BY SAID BOROUGH

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive; and

**WHEREAS**, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property, and pot hole repair on streets, all within the Borough of Rockleigh; and

**WHEREAS**, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

**WHEREAS**, the Chief Financial Officer has certified that funds are available for such purpose, and are provided for in Streets & Roads/OE, Account No. 01-2010-26-2902-01.

**NOW THEREFORE BE IT RESOLVED** that Mayor Robert Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the aforesaid Agreement; and

**BE IT FURTHER RESOLVED** that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4b; and

**BE IT FURTHER RESOLVED** that a copy of said Agreement shall be available for inspection at the Office of the Rockleigh Borough Clerk pursuant to N.J.S.A. 40A:65-5b.

Dated: \_\_\_\_\_, 2022

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Antine						
Bresnak						
Cumiskey						
Hansen						
Mender						
Pontone						

**CERTIFICATION**

I, Marcella Giampiccolo, Borough Clerk of the Borough of Rockleigh in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution in a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of April 4, 2022.

\_\_\_\_\_  
 MARCELLA GIAMPICCOLO  
 BOROUGH CLERK

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Motion offered by Councilman Pontone, seconded by Councilman Mender to approve Resolution 2022-31 as presented. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Antine, Cumiskey, Hansen, Mender, Pontone

NAYS: None

ABSENT: Bresnak

ABSTAIN: None

The Motion passed.

\_\_\_\_\_  
 The Court Fines were acknowledged.

**FINANCIAL BUSINESS:**

**MOTION:**

**SECOND:**

**BOROUGH OF ROCKLEIGH  
 COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**RESOLUTION 2022-32**

**WHEREAS**, claims have been submitted to the Borough of Rockleigh in the following amounts under various funds of the town:

Current Appropriations (2022)	\$	25,111.30
Current Appropriations (2021)	\$	
General Capital Fund	\$	2,139.22
Animal Trust	\$	



NAYS: None  
ABSENT: Bresnak  
ABSTAIN: None  
The Motion passed

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The Mayor noted for the record that no public was present for this meeting.

**BOROUGH ATTORNEY REPORT:** None.

**CORRESPONDENCE:**

Councilwoman Antine addressed the several pieces of correspondence provided by the Planning Board. Discussion took place regarding the town's Right-Of-Way boundaries and the placement of pillars within two (2) feet of the Borough's Right-Of-Way. Mayor Schaffer noted each homeowner's Right-Of-Way can be different than that of their neighbors. Mayor Schaffer provided clarification and noted Planning Board's objective is to limit the number of applications/applicants need to come before the Board for a variance for this type of request and streamline the process. The Mayor noted any survey of a property will determine to serve as what the Right-Of-Way is.

Discussion moved to several Councilmembers asking why the Borough needed to ask for an easement from Kelli Agresta to widen the road for the Rockleigh Road roadway improvement project in light of where that property's Right-Of-Way is located. The Mayor responded.

At the conclusion of this discussion, it was stated that the Construction Code Official could issue a permit based upon review of an applicant's current survey to avoid going before the Planning Board for approvals unless a variance is needed.

At this time Mr. McGuire joined the meeting after attending a previous meeting in town.

Solar panels and swimming pool and shed ordinances are being cleaned up as noted on the March 4, 2022 correspondence to streamline the process for permit approvals.

Discussion moved to the correspondence from the County for free radon test kits. The Borough Clerk noted this information has been posted to the Borough website.

**ADJOURNMENT:**

With no further business to come before the Governing Body a Motion was offered to adjourn the meeting by Councilman Cumiskey, seconded by Councilman Pontone and approved by all Councilmembers voting in the affirmative to adjourn the meeting of this date. The Motion passed.

Respectfully submitted,



Marcella Giampiccolo, RMC  
Borough Clerk